

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

MICHAEL D. TURPEN,)	
)	
Plaintiff,)	
vs.)	NO. CIV-05-0271-HE
)	
JO ANNE B. BARNHART,)	
Commissioner, Social Security)	
Administration,)	
)	
Defendant.)	

ORDER


This case is before the Court on the Report and Recommendation of Magistrate Judge Robert E. Bacharach. Plaintiff brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Bacharach for review. Judge Bacharach issued his Report and Recommendation, recommending that the Commissioner's decision be reversed and the matter remanded for an immediate award of supplemental security income benefits.

No party has timely objected to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the Court concludes the Commissioner's decision should be reversed and the matter remanded for an immediate award of supplemental security income benefits to plaintiff.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. The decision of the Commissioner is **REVERSED** and this matter is **REMANDED** for an immediate award of supplemental security income benefits to plaintiff. The amount of the payments is left to the Social Security Administration on remand.

IT IS SO ORDERED.

Dated this 21st day of November, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE